

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

Case Nos.:

16-cv-02298 (*D'Andrea v. 3M Co., et al.*)
17-cv-03573 (*Parker v. 3M Co., et al.*)
17-cv-04375 (*Baker v. 3M Co., et al.*)
17-cv-04512 (*Cunningham v. 3M Co., et al.*)
17-cv-04517 (*Henderson v. 3M Co., et al.*)
17-cv-04857 (*Murphy v. 3M Co., et al.*)
17-cv-04877 (*McDonald v. 3M Co., et al.*)
17-cv-04881 (*Potter v. 3M Co., et al.*)
17-cv-04891 (*Edwards v. 3M Co., et al.*)
17-cv-05052 (*Hanks v. 3M Co., et al.*)
17-cv-05087 (*Morgan v. 3M Co., et al.*)
17-cv-05270 (*Johnston v. 3M Co., et al.*)
17-cv-05277 (*Billings v. 3M Co., et al.*)
17-cv-05323 (*Richey v. 3M Co., et al.*)
17-cv-05370 (*Taplin v. 3M Co., et al.*)
17-cv-05371 (*Bresnock v. 3M Co., et al.*)
17-cv-05477 (*Shepard v. 3M Co., et al.*)
18-cv-00045 (*Swales v. 3M Co., et al.*)
18-cv-00167 (*Shoaf v. 3M Co., et al.*)
18-cv-00240 (*Dixon v. 3M Company*)
18-cv-00424 (*Harris v. 3M Co., et al.*)
18-cv-00460 (*Kilmer v. 3M Co., et al.*)
18-cv-00572 (*Gauthier v. 3M Co., et al.*)
18-cv-00678 (*Tawes v. 3M Company*)
18-cv-00757 (*Homsher v. 3M Co., et al.*)
18-cv-00758 (*Butler v. 3M Co., et al.*)
18-cv-00802 (*Brown v. 3M Co., et al.*)
18-cv-00805 (*Archie v. 3M Co., et al.*)
18-cv-00839 (*Pavia v. 3M Co., et al.*)
18-cv-00840 (*Stidham v. 3M Co., et al.*)
18-cv-00842 (*Wiggins v. 3M Co., et al.*)
18-cv-00855 (*Short v. 3M Co., et al.*)
18-cv-00856 (*Negron v. 3M Co., et al.*)

**DEFENDANTS' FOURTEENTH MOTION TO DISMISS FOR FAILURE TO
COMPLY WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:16-cv-02298-JNE-DTS	D'Andrea	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-03573-JNE-DTS	Parker	Bernstein Liebhard LLP
0:17-cv-04375-JNE-DTS	Baker	Bernstein Liebhard LLP
0:17-cv-04512-JNE-DTS	Cunningham	Bernstein Liebhard LLP
0:17-cv-04517-JNE-DTS	Henderson	Bernstein Liebhard LLP
0:17-cv-04857-JNE-DTS	Murphy	Bernstein Liebhard LLP
0:17-cv-04877-JNE-DTS	McDonald	Bernstein Liebhard LLP
0:17-cv-04881-JNE-DTS	Potter	Bernstein Liebhard LLP
0:17-cv-04891-JNE-DTS	Edwards	Bernstein Liebhard LLP
0:17-cv-05052-JNE-DTS	Hanks	Brown & Crouppen, P.C.
0:17-cv-05087-JNE-DTS	Morgan	GoldenbergLaw, PLLC
0:17-cv-05270-JNE-DTS	Johnston	Bernstein Liebhard LLP
0:17-cv-05277-JNE-DTS	Billings	Bernstein Liebhard LLP
0:17-cv-05323-JNE-DTS	Richey	Kennedy Hodges, L.L.P.
0:17-cv-05370-JNE-DTS	Taplin	Bernstein Liebhard LLP
0:17-cv-05371-JNE-DTS	Bresnock	Bernstein Liebhard LLP
0:17-cv-05477-JNE-DTS	Shepard	Johnson Becker, PLLC
0:18-cv-00045-JNE-DTS	Swales	Bernstein Liebhard LLP
0:18-cv-00167-JNE-DTS	Shoaf	The Miller Firm, LLC

0:18-cv-00240-JNE-DTS	Dixon	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:18-cv-00424-JNE-DTS	Harris	Kirtland & Packard, LLP
0:18-cv-00460-JNE-DTS	Kilmer	Kennedy Hodges, L.L.P.
0:18-cv-00572-JNE-DTS	Gauthier	Schlichter, Bogard & Denton, LLP
0:18-cv-00678-JNE-DTS	Tawes	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:18-cv-00757-JNE-DTS	Homsher	Bernstein Liebhard LLP
0:18-cv-00758-JNE-DTS	Butler	Fears Nachawati, PLLC
0:18-cv-00802-JNE-DTS	Brown	The Olinde Firm, LLC
0:18-cv-00805-JNE-DTS	Archie	The Webster Law Firm
0:18-cv-00839-JNE-DTS	Pavia	Fears Nachawati, PLLC
0:18-cv-00840-JNE-DTS	Stidham	Fears Nachawati, PLLC
0:18-cv-00842-JNE-DTS	Wiggins	Fears Nachawati, PLLC
0:18-cv-00855-JNE-DTS	Short	The Law Offices of Travis R. Walker, P.A.
0:18-cv-00856-JNE-DTS	Negron	The Law Offices of Travis R. Walker, P.A.

As set forth in Defendants’ Memorandum of Law in Support of their Fourteenth Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet (“PFS”) compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants’ deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants’ final deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is

therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: September 6, 2018

Respectfully submitted,

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